

REMARKS

Claims 1-28 are pending in the application, claims 1-11 have been rejected, claims 19-28 are allowed, claims 12-18 are objected to. No claims have been amended, added or canceled. Claims 1-28 are now pending in the case.

Claims 1 and 5-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Jackson (U.S. 4,596,570) Applicants respectfully traverse.

The present invention, as claimed in amended independent claim 1, is directed to a feminine hygiene pad comprising, inter alia, a main pad body having an absorbent core positioned between a cover material and a barrier layer, a main pad body thickness being defined as the dimension of the main pad body from the first face to the opposing second face, said absorbent core being adapted to not significantly extend beyond the anterior portion of the perineum of the wearer in use, said feminine hygiene pad further comprising a strip, said strip being substantially planar and relatively small in thickness compared to the main pad body thickness, said feminine hygiene pad further comprising an adjustment means whereby the length of said strip is adjustable by the wearer, and wherein the width of the strip is less than the width of the rear region of the main pad body. As specifically disclosed in Applicant's specification at page 26, line 18, "It is important for the width of the intergluteal strip to be less than the width of the main pad body 17 in the terminal region."

It is respectfully submitted that the Jackson reference fails to teach or fairly suggest the above expedients. More particularly, Jackson teaches a feminine hygiene pad having extendable tabs. The extendable tabs are disclosed in the Figures as being the same width as the main pad body. Thus, Jackson fails to disclose or fairly suggest the expedient of a strip having a width less than the width of the rear portion of the main pad. Since the stated purpose of the extendable tabs is to provide both the comfort of a short napkin with the length of a long napkin when such extra protection is needed, there is no motivation to direct one of ordinary skill in the art to modify the extendable tabs of Jackson to make the width less than the rear portion of the main pad body. That is, a strip having a reduced width would not

provide the same level of protection against leakage as the extendable tabs disclosed in Jackson. Accordingly, the pending claims are not anticipated or unpatentably obvious over the cited reference.

Allowable subject matter:


Claims 23-28 have been indicated as being in condition for allowance and Claims 12-13, 16-18, 20 and 22 have been indicated as being allowable if rewritten to include any limitations of the base claim and any intervening claims. Applicants appreciate the identification of the above allowable subject matter in these claims. In view of the above remarks, Applicants believe that claims 12-13, 16-18, 20 and 22 are allowable in their current form over the cited references for the above reasons of record.

Double Patenting

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,632,210. Upon issuance of a Notice of Allowance, Applicants will submit a timely filed terminal disclaimer.

In view of the foregoing, Applicants respectfully request reconsideration and a timely Notice of Allowance be issued in this case.

Respectfully submitted,


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